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THE
RELATION OF GOVERNMENT
TO THE PRACTICE
OF CHRISTIAN SCIENCE

BY
ALFRED FARLOW



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GOVERNMENT MAGAZINE
(REVISED)



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THE RELATION OF GOVERNMENT TO THE PRACTICE OF CHRISTIAN SCIENCE

THE question of the legal rights of Christian Science practitioners is, in a direct or an indirect form, constantly being brought before the public. Sometimes it appears as a bill before some State legislature to restrict the practice of Christian Science or to make it illegal for practitioners to receive fees, and sometimes in sensational reports in the press of alleged neglect under Christian Science treatment. Government regulation is, of course, the implied means of restraint, and the points to be considered are, how much protection and how much regulation, if any, are needful to this practice, to what extent is it an individual matter, and to what extent does it concern the general public?

If these questions had to do only with those who practise Christian Science as a profession, and those who believe in its teachings, they would be perhaps of secondary importance; but as a matter of fact the principles involved are of far-reaching importance. They deal with constitutional rights, and the doctrines of free speech and religious toleration. Even from a more practical standpoint, the question of the "regulation" of Christian Science practice is one of paramount importance to the entire world, for vast numbers of persons have been saved from various forms of sin and disease by this Science. Through the benign influence of Christian Science thousands are alive and well to-day, after having failed to

Far-reaching
Importance
of the
Principles
Involved.

recover through the use of material remedies. Family feuds have been broken up, drunkards have been reformed, the desperately despondent and hopeless have been restored to a normal enjoyment of their life and work. No philosophy or religion has contributed so much and in so short a time toward the general destruction of evil. The regenerative work, however, is only just begun. There are millions yet in need of the same sort of rescue; and it is unjust that their privileges should be curtailed by any form of legislation, which would incriminate them or their benefactors.

**The Question
demands an
Unbiased
Investigation.**

The first point on which a fair judge of the situation will wish to assure himself is that there is a real need for legislation. It is not intelligent to contend against a new method and in favor of an old simply because the one is not generally accepted while the other is well established. Desert, not popularity, must be the point considered. Therefore there is no reason why Christian Scientists should be adversely dealt with simply because their ideas are new. The more exalted thought does not grant despotic sway to a practice by reason of any precedent, but decides all things according to their merits. For this reason it is noteworthy that the most determined opponents of Christian Science are not found among the broad-minded noble men who constitute the great body of the clergy and physicians, for these men are usually busy administering to the sick in mind and body, and have little time to spend in any effort to interfere with the practice of others, even though such practice points to an effectual departure from the old lines and thereby appears to threaten their personal interests. It is natural from a material standpoint that the individual should be loath to endorse a system, however efficacious, which appears to be competitive with his own, but progress has no respect whatever for precedents; it depends upon the survival of the fittest, and all may be just, even when they cannot be generous. Progressive men welcome new

things and recognize the value of unhampered experimentation as a ready means of arriving at the proper conclusion concerning new discoveries. In this age the public are looking for results. They have no desire to adhere sentimentally to ancient theory and practice, but are quite ready to depart from the ways of their ancestors, provided better methods are discoverable; and it is evident that an early and satisfactory test of new ways and means, afforded by full liberty of practice, insures a rapid dissemination of a correct knowledge as to their merits. Therefore, so long as progressive thinkers and experimenters confine themselves to efforts in behalf of those only who apply to them, their right to prove their theories by demonstration cannot be questioned. It is a notable fact that the public at large has never demanded the restriction of Christian Science practice. Almost every bill which has been introduced in legislatures with this end in view has been presented because of misapprehension or prejudice of certain persons or classes and not because of popular demand.

We have reached a stage in the world's history when we can no longer be hasty in the settlement of such an important question. It needs to be weighed with deliberation and care. To the question, "Do you believe in Christian Science?" a wise man said, "I cannot say that I do, neither do I disbelieve in it, for I am not sufficiently informed on the subject to arrive at a conclusion." Even St. Paul, though he lived in a less advanced age than our own, had the wisdom to say, "Be not forgetful to entertain strangers; for thereby some have entertained angels un-awares." He who is hasty in condemning new enterprises is a menace to universal progress, while he who is charitable enough to grant his neighbor an opportunity to demonstrate his new proposition contributes to the advance of civilization. The declaration made by the Master nineteen hundred years ago, "A tree is known by its fruits," holds good in this and every age. There is a

Wisdom
prescribes the
Test of
Experience.

great deal of wisdom in Gamaliel's advice, "and let them alone, for if this counsel or this work be of men, it will come to naught." Legislation that prevents reasonable experimentation is against progress, for experience alone enables the individual to cross over from the field of belief to that of knowledge. Even if Christian Science were unworthy of its popularity, free access to it, the free privilege of depending upon it, would be the surest way of curing misplaced faith. On the other hand, if experience brings good results, it wins its right to recognition and endorsement.

The mission of Christian Science is first to reform, to regenerate its beneficiaries mentally and morally.

Thus we note that healing the sick is a consequence of Christian Science practice and not its prime object. The practice of Christian Science is not a business, but a ministry, not a profession, but a rule of life. It is, primarily, the practice of religious tenets, which improves the patient spiritually. In consequence of this spiritual regeneration, abnormal bodily conditions are relieved, and the patient is well. Bodily healing is the result of spiritual regeneration. From this fact it follows also that every man, woman and child, with even a small understanding of Christian Science, becomes in a degree a practitioner, for his religion is practical, and he is not a consistent believer unless he practises what he preaches. Though not especially set apart for the ministry, he is able to heal in the ratio of his understanding, for the practice of Christian Science means no more nor less than to put into practice one's understanding of the truth and right. To practise Christian Science is to think rightly on all subjects.

Since the practice of Christian Science is the practice of religious tenets, a law restricting Christian Science practice would affect every member of the Christian Science Church. Every consistent Christian Scientist is in duty bound to help his neighbor in time of trouble, and must be

ready to cure his bodily ills when called upon to do so. Therefore any stipulations which prevent him from doing this freely and effectually are interferences with his religious faith and duty, and as such, are unconstitutional.

A State Bill of Rights is intended to accord strictly with the Constitution of the United States, which vouchsafes liberty to the individual, according to the eternal precept which our fathers named as the guarantee of our Declaration of Independence, *i.e.*, "life, liberty and the pursuit of happiness." Whatever else may be included under the name of liberty, it is at least clear that an individual is privileged to live and die in allegiance to his faith. The right of choosing one's own religion and one's own medicine is generally acknowledged as an essential provision. The State, therefore, has no right to dictate the sort of religion a man shall cherish or the sort of medicine he shall take. Moreover, though not privileged to intrude his beliefs and practices upon others, a man is permitted by mutual agreement to deal with others according to his faith. Therefore the State has no right to interfere with a contract between two sane persons whereby it is provided that one shall give of his religion or consolation or medicine to the other for compensation. Such is the condition under which Christian Science treatment is given, if at all. Christian Scientists confine their service to their own families and those who apply to them for aid. They have no desire to intrude their beliefs upon others who do not welcome them. In so doing they seek no special privilege; they ask no more than fair play—Christian courtesy, and a recognition of their constitutional rights.

From the viewpoint of its students and practitioners, Christian Science is the best-known remedy for healing the sick, and is the best method of utilizing God's word in destroying sin. If it does not so appear to others, the burden of proof lies with them; and before condemning the practice of Christian Science, or crying out for prohibitive legislation, they are under obligations to make a careful

Religious
Freedom is
guaranteed
by the
Constitution.

Every
System should
stand on
Its Merits.

study of the value of Christian Science as compared with that of the more established methods of healing. Moreover, investigation can result in a true knowledge of a matter only when the investigation is unbiased. Inasmuch as the neophyte in Christian Science, like a beginner in mathematics, is limited in his results, it should not be thought strange if there are some imperfections to be found in his efforts, and a prejudiced person who is looking for failures only will be likely to discover only what he seeks. But to a fair investigator, Christian Science may cheerfully submit its records. Every system of healing should stand upon its own merits. If any particular system, new or old, can show a reasonable success as compared with the standard and legalized methods, it should be regarded as a lawful substitute therefor. Whether or not Christian Scientists at this age are able to accomplish all that the Science itself promises, if it can be shown that they heal as large a percentage of patients as do other practitioners, then all cause for interference must thereby disappear.

Christian
Science
Efficacious.

Those who have had experience first with medicine and then with Christian Science treatment, testify that they have experienced better average results from Christian Science treatment than under any other, and therefore they have chosen this Science. Those who have practised first medicine and then Christian Science, testify, as a rule, that in the practice of Christian Science they have healed a larger percentage of their patients than while practising medicine. It is true that some persons have died under Christian Science treatment, but this within itself is not sufficient provocation for restriction, since millions have died under the established method of treating the sick.

The
Recovery of
So-called
Incurables.

Thousands of families testify that they have fared much better with Christian Science and without medicine than they formerly did with medicine and without Christian Science, and only those who have experimented with Christian Science are capable of giving expert testimony

on this point. Christian Scientists would not be inclined to give their support to any practice which is not demonstrably efficacious. They do not discard material remedies merely to be fanatically loyal to a religious belief, but because they have proved by actual experience that in so doing they are choosing the better way. The number of persons who are depending upon Christian Science at this period constitutes a considerable percentage of the population of this country; and for this reason Christian Science practitioners may lose a goodly number of cases without exceeding the relative loss of other schools of practice. Moreover, it must be remembered that of those who apply for Christian Science treatment, a majority had already been declared incurable by medical practitioners. If, perchance, few or many of these so-called incurables should fail to recover and should continue in their downward course even unto death, there would be no just cause for complaint, since medicine had already failed to stay the course of the disease. It has been said by experienced physicians that eighty-five per cent of sick folks would get well without any sort of treatment, and that the majority of the remaining fifteen per cent could not be cured by any sort of treatment. No great amount of risk can be attached to the act of placing such cases under Christian Science treatment. As a matter of actual knowledge, however, with the aid of Christian Science a large percentage of these so-called incurables are cured or greatly benefited. According to statistical comparison in two States, one in the extreme North and the other in the extreme South, seventy per cent of those who applied for Christian Science treatment during a period of one year had already failed to recover or to receive permanent benefits through medical treatment. Of these ninety per cent recovered or received permanent benefits under Christian Science treatment.

The writer's own experience as a practitioner of Christian Science makes him feel safe in declaring that, as a

rule, those cases which cannot be cured by Christian Scientists are incurable under medical care, and that those cases which are readily curable from the medical standpoint, yield even more readily to Christian Science treatment. He has known but few cases which were benefited by medical treatment after having failed to receive benefits under Christian Science treatment, and he believes that the result in these cases is to be accounted for on the basis of Christian Science. One case may be recalled — that of a young woman who was having Christian Science treatment in the face of strenuous family opposition. She was far more annoyed by the bitterness of those who surrounded her than by the disease. When she finally yielded, at the suggestion of the Christian Science practitioner, to the solicitation of her parents, who had declared that they would rather see her die than get well under Christian Science treatment, she rallied at once. This result was not, I believe, due to medicine, for medicine, previous to the Christian Science treatment, had utterly failed to help her. It seems fair to assume rather that the improvement was made possible by the breaking of the stubborn mental condition about her, which had been a constant menace and a source of constant worry and fear. Under these new conditions she was able to respond to the Christian Science treatment which she had been receiving, and a cure was the result.

**Sensational
Newspaper
Reports.**

In the past considerable noise has been made in the public press regarding alleged losses under Christian Science treatment. After careful investigation, we have been able to show that from seventy-five to ninety per cent of the cases so reported never had anything to do with Christian Science, and that sometimes these reports have been advertised in the public press in such multitudinous ways as to give the impression that a multitude had died. The facts given below may be taken as examples of the total lack of accuracy and fairness which characterizes some of the general reports which have appeared in the press.

They relate to various failures which were falsely credited to Christian Science practitioners — failures which occurred under other forms of treatment, and with which Christian Science had no concern. The author has in his possession documentary matter giving the names, dates and localities of the various examples presented, and he will cheerfully submit these documents to any one who comes to make honest investigation. It was reported that in the vicinity of a certain city in Indiana, contagious diseases were being spread by Christian Scientists. An investigation showed that the report was based upon the experience of a person who was not a Christian Scientist, but who was under the care of a medical practitioner. Another report was circulated in the same state to the effect that there was scarlet fever in the house of a Christian Scientist, when in fact there was nothing of the kind. Scores of cases in the various states of the Union might be enumerated where persistent efforts have been made to connect various failures and derelictions with Christian Scientists. At Franklin, Pennsylvania, about five years ago a report was sent out by an enterprising newspaper correspondent to the effect that a small boy in that town had been bitten by a dog and subsequently developed hydrophobia, from which he died. It was alleged that the parents had insisted upon his having Christian Science treatment, and that this had so enraged the people that they rose up against the parents, who then fled the town, leaving the body to be buried by the neighbors. The story was traced to its source, and it was found that no such event had occurred, either with or without connection with Christian Science, but that the whole affair was a product of the imagination of a newspaper writer who had considered this a good topic about which to manufacture a sensational story. The facts were afterwards laid before the people of that city by one of the leading newspapers. In certain States these reports are especially prevalent at the legislative season, the occasion of the annual attempt of a few

persons, self-appointed to the office of "protecting the people," to secure legislation unfavorable to Christian Scientists.

Failures not
Unknown in
Medical
Practice.

These sensational reports sometimes gain an apparent authority from the fact that physicians called upon to express an opinion concerning a case lost under Christian Science treatment, sometimes answer that the patient "could have been saved if he had had proper medical care." Such an assertion is rarely, if ever, based on personal knowledge of the case; and can therefore be made only on the assumption that in every instance medical treatment is a sure cure. To argue that Christian Science is a menace because some depend upon it who should have medicine and even suffer and die in consequence, is not a tenable position, for there is no way of proving that such calamity is occasioned by want of drugs. Thousands die daily under the care of reputable physicians; and the world is full of suffering ones who have done and are doing all that materia medica dictates in the effort to obtain relief, and are still "none the better" but "rather growing worse." Then again, a wrong impression has been given to the public by a detailed description of those cases which die under Christian Science treatment, naming those concerned and the kind of treatment, while in connection with those who die under medical treatment, as a rule, no such comments are made. As a matter of fact, if even a meagre description of those cases which are lost under medical treatment were given in the public press, the daily papers would not be large enough to contain the news. During a period of six months, including the time when a Christian Scientist was arrested at White Plains, New York, for manslaughter because he lost one case from diphtheria in a family in which he healed three others, and in which three had formerly passed away under medical treatment, 1145 children died in greater New York with the same affliction.

A good example of the misapprehensions which some-

times prevail, and the unjust criticisms which have sometimes been published, is the story of the case of Lincoln Litchfield, son of Mr. Caleb H. Litchfield, of Stamford, Conn. The death of this boy occurred in the fall of 1904, and was heralded broadcast under sensational headlines as a case of neglect. The circumstances connected therewith were not such as to warrant any unusual comment; and if the injustice done to the Litchfield family were the only thing to be considered in the matter, we might pass it by without further notice, for doubtless they have suffered sufficiently from their loss and would prefer no further public mention; but in addition to the exaggerations apparent in the first report, the story received embellishments in the course of its circulation. These statements tend to give a very erroneous impression concerning the attitude of Christian Scientists toward contagious diseases and concerning their ability to cope with contagion.

One paper referred to this case as "A Christian Science Victim." In the same little city of Stamford five other children afflicted with diphtheria died about the same period. They were all under the care of medical practitioners. Three deaths occurred during October, one in November and one in August. One child was sick only thirty-six hours; another was ill two days, and it is said in connection with the case that "anti-toxin was administered early." Another was six days, and still another seven days; the average duration of the six cases being about four and one-half days. The Litchfield child lived seven days, much beyond the average, and as long as the one under medicine who made the best fight, and thus it is shown statistically that the Christian Science child involved in this discussion fared better than the average under medical treatment. A reasonable inference is therefore that he perhaps would have died much earlier if he had not been treated primarily by a Scientist. That the Litchfield child was found sick at school and sent home is positively

The
Stamford
Case.

denied by his teacher. He was from his first illness kept out of school by the voluntary action of his parents, and was not permitted thereafter to leave the house, nor were the other children of the family. Contrary to the press reports that the child was permitted to mingle with other children after he was taken sick, no child was allowed to enter the house during that time.

Again, it is stated by the health officer that most of the five cases, including the one who died in four days, were very critical before the physician was called. This being true, these cases were also open to a charge of negligence. Are we not justified, therefore, in asking why these were not given to the public press, and made the basis of sensational stories? Why this discrimination against the case which pertained to the family of Christian Scientists? Here we have a distorted report of the management of a Christian Science case,—management in no sense less commendable than the usual practice of non-believers in Christian Science,—while no report whatever is made of the five worse records under *materia medica*. Is it not apparent that such partiality tends to prejudice the public and incite undue criticism?

Would it have been proper to say that the five cases mentioned were victims of *materia medica* — especially the one who was sick only thirty-six hours, and the one whose duration of illness is mentioned as two days, and concerning which it is said anti-toxin was administered early? Inasmuch as the child died within two days after anti-toxin was administered, was it because the anti-toxin was effectual, or because anti-toxin failed? If the anti-toxin failed in this case and in the other four cases, upon what grounds can it be assumed that it would have succeeded in the sixth case, which was treated for a few days by a Christian Scientist. We are not publishing these failures of medical practice for the purpose of casting any reflection whatever upon that profession, but for the purpose of presenting a just and fair basis of comparison in

dealing with this subject. We are of the opinion that all those connected with the six cases, including parents, doctors and Christian Scientists, acted up to their highest intelligence and convictions, and do not merit censure. Only it does not appear that any class of practitioners in this age has demonstrated sufficient success to justify it in condemning the failures of others.

The actual facts, then, appear to be as follows. No deaths occurred as a result of the sickness of Lincoln Litchfield. Three of the five cases under medical treatment reached an incurable condition, from the medical viewpoint, inside of four days — one of them in thirty-six hours and another in forty-eight hours — while the one under Christian Science was still making a good fight after six days. The actual evidence is therefore that the child did thirty-five per cent better under Christian Science treatment, provided the aggregate skill employed in the five cases was comparatively equal to that employed by the Christian Scientist family. Thus it is demonstrated that, in the city of Stamford, Christian Science is a better remedy than medicine for diphtheria, and, far from being a menace to the health of the community, Christian Science is a needed help, and should be praised, not condemned, by all who are interested in the welfare of the community. Instead of using the heading "A Christian Science Victim," it would appear that the newspaper should have announced, "Christian Science prolongs the Life of a Child, and aids in Checking the Spread of Contagion."

In some of the legislative contests efforts have been made to interdict the acceptance of a fee by practitioners; to make it a law that the acceptance of a fee by a Christian Scientist constitutes him a medical practitioner. If this view held good, the practising Christian Scientist would be on a plane with the quacks who, without proper training, and unlicensed, deceive the public by pretending to prescribe medicine for disease. That no such view is tenable has, however, been affirmed through decisions in the courts.

The Legal
Question of
Fees.

In the case of *Tomlinson vs. Speed*, in the New Hampshire Courts, in 1904, a charge of fraud was brought against Mr. Tomlinson, based upon the allegation that he had accepted a fee, though a very moderate one, and had held out to the patient inducements that she could be healed; and yet, it was alleged, he had failed to effect the healing. It was proved, however, that the patient was treated by the practitioner only for three or four days, after which she applied to a surgeon, who stated under oath that she was not so bad when she applied to him as she was a year before, when he advised that an operation should be delayed. At the trial the judge held that, if the defendant practised consistently with the teaching of the Christian Science text-book, and did what he represented to do as a practitioner of Christian Science, there was no evidence of fraud; that, even if he did hold out an inducement to the patient that she could be healed, it would be natural for him to do this, since he himself had faith in Christian Science and the patient knew that he had, and therefore such encouragement could not be considered as a contract to heal her, but in perfect keeping with the practice of a physician, wherein, for example, he encourages the patient to believe that there is hope, and yet afterwards fails to cure or benefit him.

To assume that Christian Scientists are subject to a license system because they accept a fee for the time consumed in the service of another is manifestly unjustifiable, for the reason that neither the acceptance nor the non-acceptance of a fee affects their right to practice. If the practice of Christian Science is right, the acceptance of a fee therefor will not make it wrong. If, on the other hand, the practice is wrong, the non-acceptance of a fee will not make it right. The acceptance of a fee is entirely independent both of medical practice and of Christian Science practice, and, as in the case of ordinary labor, is dependent upon custom and a mutual sense of right respecting the value of time expended and the service

rendered. The license system is adopted for the purpose of guarding against malpractice, while the giving or accepting of a fee is based upon a legitimate contract between two individuals, a contract with which the state has no right to interfere.

All Christians, we may suppose, pray for the recovery of the sick; and, if the prayers of Christian Scientists are effective, unaided by drugs, that fact does not constitute a reason why such effective prayers should be offered without compensation. If the ministers of other denominations were compelled to preach and pray without a fee, how many of them would continue? Yet no one blames them for this attitude, since the common policy of compensation laid down by the Master of Christianity, viz., "The laborer is worthy of his hire," is right from every point of view. The only moral basis for commerce or for mutual ministry is that of a fair exchange of values. To give something without expecting a disposition to make return is no less disastrous to sound ethics than to receive something for nothing. One may be unselfish enough to labor for another without remuneration, but in so doing he fosters selfishness in his beneficiary by allowing him to have something without having in some way earned it. Such practice lowers the standard of ideal individuality. Therefore, a law compelling Christian Science practitioners to labor without a fee would be not only unjust and unwise, but also unmoral. It would not only interfere with religious liberty, but it would force irreligious practice.

Since some critics have made the assertion that the acceptance of a fee is not in keeping with divine healing as it is taught in the Scriptures, it may not be amiss to consider this question from a Scriptural standpoint. Attention has been called to Peter's declaration to Simon, the sorcerer, "Thy money perish with thee, because thou hast thought that the gift of God may be purchased with money." This statement is self-explanatory. Simon was not rebuked for any willingness to sacrifice material

The
Acceptance of
Fees: The
Moral
Question.

substance for spiritual benefits, but because he wanted to put the matter of obtaining and dealing out divine power on a commercial basis. He worked wonders as a trade, and desired to add the Christian method as a new acquisition to his business. Though Elisha refused reward from Naaman, it is to be recalled that his chief object was to awaken in the worldly mind of the Syrian general a sense of the value of spiritual things, which no money can buy. The sin of Gehazi, on the other hand, for which he paid so heavy a penalty, lay, not in the acceptance of a reasonable fee, but in his greed for material things, and his belief in the reality of the material. The avaricious sense which caused him to be so immodest as to beg for that which he had not earned, and to which he was not entitled, was the basis of his disease. On the other hand, with the simple-hearted Shunammite, Elisha's conduct was entirely different. He frankly accepted her hospitality and in return gave her and her family of the spiritual blessings of his healing power. The founder of the Christian religion had so much faith in the ability of his followers to earn a living by their practice, that he advised them not to wait until they had an abundance before they entered upon their mission of teaching and healing. He told them to go without making provision for their daily wants, assuring them that "The laborer is worthy of his hire," and when they returned he inquired of them if they had lacked anything in carrying out his suggestions, and they replied, "Nothing." Thus we note that the Scriptures support the law of just reward or compensation for benefits bestowed.

**Christian
Science
and the Family.**

The assertion has sometimes been made by those opposed to Christian Science that it has produced discord in homes and therefore ought to be checked. We have known of a few instances where certain members of a household have accepted Christian Science while the others have rejected it, but this is true of other religious beliefs; it is true of political matters and various other

questions. One seldom finds a household which is perfectly agreed upon any one of these subjects, but it has never been argued that when a family or community is divided in its opinions the courts should decide which view shall be adopted by a family as its common belief or practice. It is quite generally conceded that each individual may enjoy liberty of thought and conscience, that each may be permitted an individual choice of reading, religion, medicine and politics. Moreover, the few cases of homes in which discordant conditions have selected Christian Science as an issue are far outweighed by the number of families in which Christian Science has restored a united and wholesome family life. From the very delicacy of the questions involved, the number of these cases will never be fully known; but every one who has even a casual acquaintance with Christian Science can point to homes, among his own acquaintance, where, in curing the dissipation and selfishness of husbands, and the frivolity or the forgetfulness of wives, Christian Science has brought a harmony for which none of those concerned can be sufficiently thankful.

In spite of the attempts of a few opponents of Christian Science to bring about restrictive legislation, it appears to be generally conceded that no state has a right to interfere with individual dependence upon Christian Science, nor with the treatment of the adult who applies to this school of healing; but it has been claimed that a parent should not be permitted to have his child treated by this method. This argument, of course, rests upon a sound principle, though one which does not here apply. Minors should be protected, and parents who display inability or unwillingness to provide properly for their children should be subject to the dictation of the law. Accordingly the laws of the country justly provide against a parent's cruelty to his children. Comfort and proper care are among the individual rights of a child, vouchsafed by the commonwealth; and the use of methods and means which are

The
Treatment of
Children.

clearly detrimental to the child, though practised in the name of religion, should be considered a trespass upon individual rights. Justice, however, would demand that if a parent proposes treatment for his child which is not in harmony with his neighbor's sense of right, and therefore the neighbor purposes to intervene on behalf of the child, his first task should be to establish, by a thorough investigation, the merits or demerits of the system in question. Thus when the assumption is made that a child under Christian Science treatment is being neglected, it behooves those who bring such an accusation to establish their claim by careful investigation. Such investigation, in order to arrive at all the facts and establish a just comparison, should include the notation not only of failures on the part of Christian Science practitioners, but of their successes, and not only the successes of medical practitioners, but their failures. Interference is of course out of the question, unless it can be shown that a dependence upon Christian Science is detrimental to the child's safety. Otherwise, it must be remembered that a parent is the natural guardian of his child, and a Christian Science parent is not an exception, and he has the privilege of choosing that which in his judgment is in the interest of the child's welfare.

**The
White Plains
Case.**

Those who have only a cursory knowledge of Christian Science results might look upon the withholding of medicine from a child as neglect, but on the other hand, a Christian Scientist would regard the administration of medicine as wholly inadequate. Moreover, Christian Science has proved itself quite as efficacious in the treatment of children as in the treatment of adults. While the critic points to the child that has died under Christian Science treatment, the Scientist has in mind many children whose lives have been saved through Science after medical practice had proved futile. For example: Mrs. Quimby of White Plains, New York, after losing three of her children under medical treatment and having become an invalid herself,

turned to Christian Science as a last resort. She was restored to health. Later four members of her family were seized with diphtheria, and under Christian Science treatment three were healed and one died; whereupon a charge of manslaughter was brought against the practitioner. As a matter of course, and as a matter of history, this charge was not sustained by the Court. The White Plains incident demonstrates two facts: first, the superiority of Christian Science treatment in that particular home; second, the proneness of the age to judge without consideration. A mother with such evidence before her has overwhelming testimony that Christian Science is the more reliable remedy, notwithstanding one child died under its treatment. The neighbors should judge according to the evidence, and not according to a preconceived and prejudiced opinion. "By their fruits ye shall know them."

It would be quite as unjust for any state or municipality to force Christian Science parents to administer medicine to their children, as it would be to force parents who believe in the use of medicine to depend upon Christian Science. In either case the action should not be governed by popular opinion nor by prejudice, but should be decided on the actual merits of the proposed remedy. And Christian Scientists who dispense with medicine in their homes fare quite as well as, if not better than, those who depend upon drugs, and they have the advantage of being free from any unpleasant or detrimental after effects.

The argument that Christian Scientists need to understand diagnosis in order to practise safely, is based upon erroneous assumption. Christian Scientists do not assume the responsibility of diagnosing disease. They do not assume to know any more or any less about contagious diseases than those laymen who depend upon medicine, except in so far as their experience in handling disease may afford them an unusual knowledge of symptoms. When they are perplexed with suspicious diseases, their practice is exactly in accord with that of other laymen;

they are privileged to employ a qualified diagnostician. Considering the subtlety of diphtheria from a medical viewpoint, it should not be thought strange that occasionally Christian Science parents should fail to detect its presence. Every day witnesses many such instances on the part of parents who are non-Scientists. Even the best physicians frequently err in their diagnosis. Only a few years ago a small-pox epidemic was due to the mistaken diagnosis of a physician.

**The
Treatment of
Contagious
Diseases.**

Christian Scientists claim no greater, and probably possess no less ability to diagnose disease than other laymen. As to the alleged delay on the part of Christian Science parents in reporting cases to the authorities, it is well known to those who have taken pains to investigate, that some of our physicians have sometimes delayed the report of serious cases as a matter of good judgment, and to avoid the probable panic of those who may be near the sick one; and no harm has resulted therefrom, for such cases are usually faithfully isolated. The deplorable thing is that physicians who know of such discrepancies, and practise them, should condemn their neighbors, who do not believe in the use of medicine, for sometimes delaying a report until convinced of its necessity. When we consider the unjust and irregular treatment which Christian Scientists sometimes receive at the hands of those who seize any opportunity to use their authority over an unfortunate one, we do not wonder that the Scientist is not anxious to report to the officers before it is necessary. If they did not have unbounded faith that their God will deliver them from any ordeal through which they may be called to pass, they would be even more disposed to hesitate. While officers must enforce the law, they should be courteous and kind, and seek to relieve the distress of the afflicted and not add thereto. Christian Scientists, therefore, are as careful to quarantine or isolate their patient as any other class of practitioners, for they are aware that any added anxiety increases their burden of responsibility

and labor. It is their desire always to obey the law and to do that which insures the safety of their neighbors. The case at Stamford, Connecticut, already referred to, has of course been used as a basis for unfavorable comment on the treatment of contagion by Christian Scientists. While the Litchfield family concerned therein, according to the usually accepted law, must have contracted the disease from non-Scientists, there is no evidence that they communicated it to other children. This fact indicates that the Christian Science family was more successful in guarding against the spreading of disease in this case than their neighbors from whom they received it, and the accusation of being a menace to the public health does not apply to the Christian Scientist family so forcibly as it does to those from whom they contracted the disease. If exaggeration had been eliminated from the press reports concerning the Litchfield case these reports would have been robbed of their appearance of unusual importance as sensational news items, and editors would have cast them into the waste basket.

This sensationalism is of course calculated, if not intended, to prejudice the public; to create antagonism, and to mar the fair name of Christian Scientists by making it appear that they have regard neither for the safety of their own families nor for that of others. In case of the neglect of these laws they are liable to the same penalties to which others are amenable, and they claim no special privileges. As a matter of fact, consistent Christian Scientists are even more careful to observe the laws of quarantine than any other class of individuals. They prefer the isolation of acute cases on the basis of Christian Science, whether they be contagious or not. This they do because they recognize fear as one of the prime factors in the spreading of contagion. Moreover, they do not care to incur the unnecessary risk and extra labor occasioned by permitting their sick to mingle with others. They recognize the material law of contagion and that it must

**Observance
of the
Laws of
Quarantine.**

be heeded until it is broken by the application of Christian truth. Christian Scientists have no desire whatever to advocate or encourage carelessness, but they have a right to insist upon fair representation.

It may be noted also that Christian Scientists sometimes sacrifice personal liberties out of consideration for public opinion and the fears and apprehensions of their neighbors. In pursuance of this policy Mrs. Eddy advises that Christian Scientists shall not at present treat contagious diseases. Mrs. Eddy's attitude on this question is purely a matter of her own choosing, in deference to public opinion and "until Christian Science shall be better understood." She also advises that Christian Scientists shall not undertake surgical cases, and, in the event of accident or extreme pain, when they fail to relieve the suffering of the patient, they are permitted to call a physician to administer an opiate as a means of temporary relief and to enable the patient to bridge over an extreme moment and secure a more favorable condition for mental treatment.

Thus it has been shown that Christian Scientists have been extremely modest, unselfish and careful in the protection of the public. Therefore, to charge them with being a menace to public health, or to demand legislation which shall compel them to administer medicine to their children, is unwarranted; it is an attempt to enact class legislation. In most cases where the attempt has been made to expose alleged carelessness on the part of Christian Scientists, careful investigation has revealed an equal amount, and sometimes a double degree, of the same kind of carelessness on the part of those who are not Christian Scientists. It is not a common practice to call a physician every time a child exhibits some small and apparently unalarming ailment, but it is probably true that sometimes avoidable trouble ensues because of carelessness to call proficient help; and this may occur from delay to call an experienced Christian Scientist quite as naturally as from neglect to call an M.D. However, there is about as

much danger in too much attention as there is in too little; for too much care, too constant brooding over the probability of danger, subjects one to constant risk while carelessness applies only to the chance case of neglect. It is not easy to decide which of the two conditions is the lesser evil. Carelessness is not due to Christian Science in any event, but to a want of it. If it exists, it is individual and not chargeable to Christian Science. That their management of contagious cases is adequate, that if, perchance, they lack in medical diagnosis, they have a very excellent substitute therefor, is evidenced by the general results. Christian Science not only heals contagious disease but destroys contagion and prevents the spread of disease by destroying or minimizing the fear of those who place themselves under its influence. The present laws of the States do not forbid the practice of Christian Science in contagious cases, nor do we believe that a law framed to interfere with such practice would be constitutional.

The whole case in favor of Christian Science practice was well summed up by Mr. Samuel M. Gardenshire, the able lawyer who conducted the White Plains case. Mr. Gardenshire said: "The Christian Scientists ought not to be denied the privilege of advising a person to do those things which that person has a right to do without such advice. It is the very basis of governmental association that one man is entitled to influence another man for good, as he may see it. The right of petition and the right of free speech are involved in the proposition that if the Christian Scientist, in his opinion, has derived a benefit from his creed or his belief, he may impart it for all that it may mean to another. The man who administers dangerous drugs professionally ought to be restrained by examination, bond or license. The man who operates as a surgeon, and professionally cuts with instruments into the human body, ought to be restrained by examination, bond or license. The attorney who practises professionally

Mr.
Gardenshire's
Opinion.

in the conduct of causes, and who practises a profession which is admittedly a profession of knowledge and scientific in character, ought to be restrained by examination, bond or license; but a Christian Scientist who professes a religion under the Constitution, and who heals only by admonition, counsel and an adjuration to good conduct, exercises a right which is inherent in him as a citizen and not as a Christian Scientist, and to restrain him is to confuse the liberty of the citizen under the organic law, and such an act must be unconstitutional."

**The Grounds
for Medical
Regulation.**

There can be no question, then, that the Christian Science practitioner, treating only those who request his aid, and who are under no misapprehension as to the scope of his operations, is within the full exercise of his constitutional rights. He proceeds on the basis of a right of contract with which the State has no claim to interfere. But a question may arise regarding the ability of a contractor to keep his agreement, and this question is the basis for what is technically called regulation. If a man is practising medicine and does not understand it, he lays himself open to charges of fraud.

When, however, he is practising Christian Science, the only question that can arise concerns his understanding of this Science, and his ability to apply it. In so far as concerns the answer to this question, Christian Scientists require regulation; but here the Christian Science movement does not wait for any action on the part of the State. It regulates its own recognized practitioners and teachers by requiring them to possess certain qualifications. These qualifications, however, do not include a knowledge of physical diagnosis and materia medica, since neither of these is requisite to the practice of Christian Science. It must be plain that any attempt to make the Christian Science practitioner amenable to the educational requirement of an M.D., and consequently, a criminal if he practises without such qualification, is simply an indirect way of prohibiting the practice, for it is quite

evident, even to a casual thinker, that Christian Scientists cannot consistently undertake a three, four or six years' medical course. The knowledge gained by such a course would be useless to them, and would work a hardship which would, in a large measure, restrict the practice of Christian Science.

On the other hand, there is a plausible reason for regulating the practice of medicine, since this practice involves an intelligent discrimination in the use of drugs. The medical practitioner should know the difference between the effects of calomel and arsenic. Furthermore, a surgeon must be thoroughly versed in anatomy.

**Regulation
Essential in
Medicine and
Surgery.**

Before being allowed to enter upon the grave responsibilities of his office it is proper, for instance, that he be required to know the location of the veins and arteries which may lie in the pathway of his knife. Since the proposed good effect of drugs is dependent upon their wise dispensation, and the success of surgery is dependent upon the surgeon's knowledge of anatomy and his mechanical skill, one who is engaged in the practice of medicine and surgery should be thoroughly informed in all the branches of education pertaining thereto. And if physicians desire to maintain or improve their standard by specifically requiring their practitioners to possess certain qualifications, there is no reason why they should not be permitted to do this.

No class of persons should, however, be expected to qualify in the study of anatomy, pathology, bacteriology, diagnosis, etc., who do not expect to use these particular branches of education in their practice. Only those should be considered amenable to a law regulating the practice of medicine who practise according to those methods for which the line of education provided in the law qualifies. (Moreover, a law making Christian Scientists amenable to the educational requirements of a physician is dangerously near to class legislation.) Many laws that are supposed to be regulative are simply efforts to limit one

**A Regulative
Law must
also grant
Privileges.**

class in order to widen the opportunities of another. Such laws are contrary to the principles of a republic, whether they be intentionally or unintentionally made, and the guarantee of the individual or the class, against such restrictions on the one hand and monopoly on the other hand, is vouchsafed as a constitutional right. While a given law is intended to regulate practitioners, it is also intended to grant and to protect certain rights and privileges. Therefore, if just, a law intended to regulate certain practice must justly apply only to that class of practitioners for which it provides. If it provides only for M.D.'s, it can regulate only M.D.'s. If a law is so limited in its provisions as not to afford any privileges to Christian Scientists, and yet, at the same time, curtails the rights of Christian Scientists, it is partial and amounts to class legislation. If the framers of this law had it in mind to grant to medical practitioners the rights and privileges which they did not vouchsafe to Christian Scientists, they, in this respect, violated the privilege of equal rights, and the law is, therefore, unconstitutional. Even though the law unintentionally discriminates against Christian Scientists without also making due provisions for their rights, it is none the less unconstitutional.

**Prayer
requires no
Regulation.**

The Christian Scientist deals with neither medicine nor surgery, and his practice is not accompanied by the dangers which belong to a practitioner of medicine or surgery. His requisites consist of a clear and unmistakable understanding of Christian Science and a high degree of spirituality. The power which he uses is made operative, not through drugs, but through prayer. Prayers necessitate no regulation, for it is quite popularly conceded that if, from a sceptic's viewpoint, they do no good, they certainly will do no harm. If, however, for any reason the State should assume the responsibility of granting individual license to pray, it should at least observe the doctrine of equal rights to all its citizens. All Christians pray for the sick; some accompany their prayers with drugs because

they think their prayers would prove inadequate without them. Christian Scientists, however, find their prayers preclude any necessity for drugs. If there is a difference between the prayers of a Christian Scientist and those which have been offered in past years without the knowledge of Christian Science, it may be seen in improved results, but the mere fact that prayers avail more now than they did formerly does not seem to be an intelligent reason why medical knowledge should be demanded of those who pray. There should be no discrimination against the prayers of Christian Scientists on the basis that they are of a quality to insure an answer, or that they heal sickness as well as sin. A prayer which destroys bodily ills is no more dangerous and no more in need of regulation than a prayer which overcomes sin only. Therefore, if a law exists which provides that Christian Scientists must be examined as to their qualifications to pray for others, this same law should be applied to all other praying people. How many clergymen would remain in the ministry if they were compelled to have a four years' medical course before being permitted to pray for their parishioners? Not only our good clergymen, but all laymen, according to the proposed regulation, should be required to obtain a State license before entertaining a desire or prayer that God shall guide, sustain and protect and heal their neighbors. Why is it that the requirements of medical knowledge as a qualification for safe prayer had not been thought of until Christian Scientists appeared in the arena of human affairs? All Christians pray for the sick, whatever may be their afflictions, but no legislative body or medical association has ever concerned itself with the kind of prayer that is offered by another religious sect.

It would be quite as unreasonable to require Christian Scientists to pass an examination in *materia medica* as it would be to require M.D.'s to pass an examination in Christian Science. If it is proper for the State to require any qualifications from a Christian Scientist, it should

require those qualifications which enhance the practice of Christian Science. There is no constitutional provision to prevent the Christian Scientist from practising within the bounds of that which he professes, and thus far in the history of our country a man's right to practise his religion has never been made contingent upon medical knowledge, nor the question as to whether he was to be compensated for his service.

"Here shall the Press the People's right maintain,
Unaw'd by influence and unbrib'd by gain;
Here patriot Truth her glorious precepts draw,
Pledg'd to Religion, Liberty and Law."

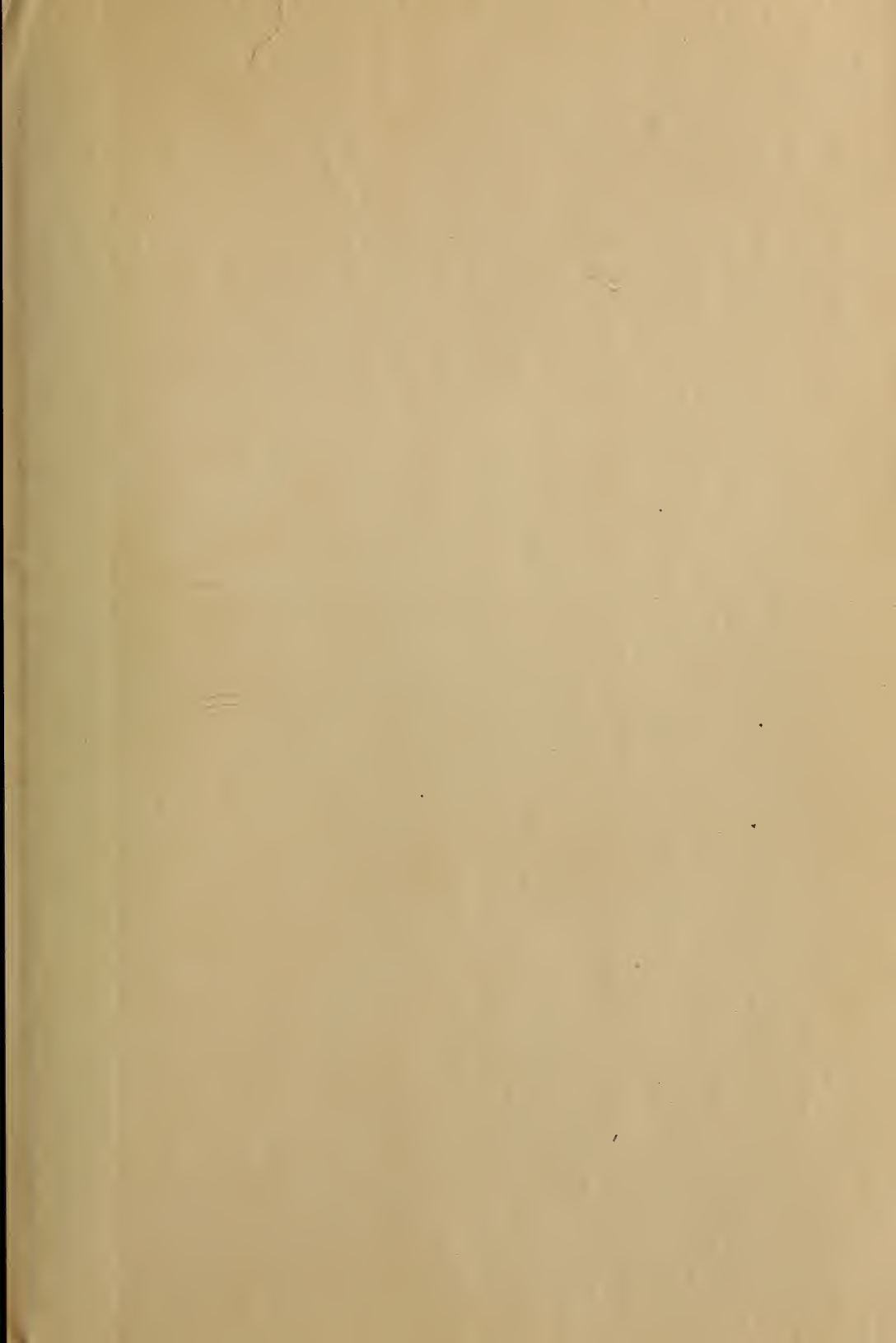
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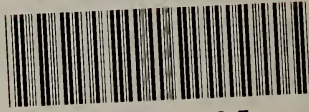
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